



**DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES**

**GOVERNOR'S ADVISORY COUNCIL (GAC)  
TO THE DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES (DDDS)**

**January 14, 2016**

The Governor's Advisory Council to the DDDS met on January 14, 2016, at the 1056 Woodbrook Conference Room in Dover.

**COUNCIL MEMBERS PRESENT:** Terri Hancharick, Chair  
Thomas Rust  
Susan Pereira  
Gail Womble  
Timothy F. Brooks, Ed.D.  
Jamie Doane

**COUNCIL MEMBERS ABSENT:** Angie Sipple

**STAFF MEMBERS PRESENT:** Jane Gallivan  
Marie Nonnenmacher  
Marissa Catalon

**GUESTS PRESENT:** Carol Kenton, Parent

**CALL TO ORDER:** The meeting was called to order at 11:04 a.m.

**NEXT MEETING:** February 18, 2016 at 11:00 a.m.

**AGENDA-ADDITIONS:** No additions requested

**New DDDS Division Director Jill Rogers Biography**

Jill Rogers has been appointed as DDDS Director beginning January 19, 2016. Her Biographical Sketch was distributed to Council.

**HCBS Waiver Amendment - Family Support Services Update**

The DDDS continues to work to amend the current HCBS Waiver to one "Lifespan Waiver" that includes family support services. We believe that managing one waiver will be more efficient than managing two waivers. Adding the family support services to a Medicaid waiver will enable us to draw a federal match for services that are currently funded with 100% state funds. The new services that will be added to the waiver to support families are:

- Community Living Support – this new service includes any personal supports to the individual and their family such as respite and personal care. By not breaking these out as separate services, we think it will provide more flexibility to families. The Council expressed a desire to

be able to track the provision of respite under the waiver. DDDS will examine possibility of using a separate procedure code or other method to identify respite separately.

- Assistive Technology not otherwise covered by Medicaid (this is required to be covered for children under the EPSDT entitlement).
- Environmental modifications (home and vehicle)

Under the current DDDS waiver, the absence of a caregiver is used to prioritize entrance into the waiver. In order to add people living at home to the waiver target group, this will no longer be applied as a criteria for entry into the waiver, but will instead be used to determine who gets access to residential services. This will become part of the “medical necessity” criteria for residential services. The “Lifespan” waiver concept came about because it expresses the philosophy of supporting a person throughout their life, as their needs change. Therefore, once enrolled in Waiver, services received are based on person’s needs as they change over time. DDDS hopes to be able to generate savings by eliminating need to use state funds when individuals need emergency placement in a crisis. Since the person would already be enrolled in the Lifespan Waiver, residential waiver-funded services should be able to be accessed more quickly. Currently, a person cannot be enrolled in both the DDDS Waiver and Long Term Care Waiver simultaneously, although this may be re-examined in the future.

Sequential steps must happen in order for implementation of the Lifespan Waiver. States are required to provide case management to waiver members. Currently individuals living at home are not receiving true case management. In order to add case management for these individuals, DDDS is working on a State Plan Amendment to add Targeted Case Management, which is an optional State Plan service. This will be referenced in the Lifespan waiver amendment. In addition, DDDS intends to submit a TCM State Plan Amendment to change the way DDDS case management for people receiving residential services is funded. Currently, DDDS case management is funded as a Medicaid Administrative activity. Changing it to TCM will enable more activities to be covered and will result in a higher federal matching rate. DDDS is also working on revising its person-centered planning tools and process. We are also creating a person-centered planning process for people living at home. All waiver enrollees must have a person-centered plan. These projects are taking place simultaneously. DDDS hopes to finalize the TCM State Plan Amendment by the end of March. The SPA must be submitted for public comment. DDDS hopes that targeted case management and the new person-centered planning processes will both be effective by July 1, 2016. The earliest the Lifespan Waiver could be in place is January 1, 2017. DDDS stressed that this plan cannot move forward without receiving funding to hire the 9.0 additional requested staff (6.0 for DDDS and 3.0 for DMMA) as the Lifespan Waiver would add approximately an additional 1000 people to existing processes. Therefore, if CMS approved the Lifespan Waiver application and DDDS did not get approval for additional staff, the application would have to be withdrawn.

The Council discussed various issues related to case management including: high turnover, pay, job duties, staffing ratios, and the challenges faced due to high caseloads, especially in New Castle County which has the highest waiver population. DDDS is building the electronic case record system with the case manager in mind. DDDS is hopefully this new system will facilitate the work of the case managers. DDDS recently revised the performance plan for case managers in order to make job duties more well-defined and to set clear expectations. DDDS has begun to request funding for additional case management positions in its annual budget request due to the additional 75 placements it also requests. Those requests are not always funded. Therefore, when other DDDS positions become vacant, DDDS reviews them to see if they can be converted to a case manager position as part of an overall staffing plan. Case management ratios would be even higher if we did not do this.

## **Housing Options**

This agenda item deferred to next meeting.

## **Vacancy & Development Review**

The GAC reviewed the Vacancies/Development Report. The Stockley Center census is currently at 51. Stockley Center occasionally provides respite and rehabilitation services although due to the many community options, people are not choosing to live at the facility. The Mary Ann Coverdale Center (MAC Center) provides hosting for telemedicine and a dental suite used for waiver members in Sussex County. There is strong association with the Parkinson's Society who is moving to MAC Center. The therapeutic pool is experiencing issues with the roof and ventilation.

Some time ago, a land use plan was developed for alternative uses of the public lands where the Stockley Center is located. As a result walking trails were developed. There is a natural preserve with unique foliage on campus. A number of older buildings on campus were demolished. The Department of Natural Resources and Environment Control and the Medical Examiner's Office occupy office space on the campus. The affordable accessible housing option that was proposed for the campus is no longer on the table.

The total vacancies equal 34; 20 in group homes (8 are ARC homes), 14 in community living arrangements with a capacity of 6 (vacancies never filled; not counted on reported until filled, then vacated).

## **DDDS Budget Hearing**

The DDDS Joint Finance Committee Hearings are scheduled to occur on February 24, 2016, beginning at 10:30 a.m. Public comments will begin at 11:15 a.m. DDDS anticipates question surrounding the family support amendment and the HCBS Rule.

## **Disability Integration Act**

Senator Charles E. Schumer of New York called on Congress to pass the Disability Integration Act. This new legislation would help individuals with disabilities live more independently by providing necessary at-home and community-based services and supports. Specifically, the legislation ensures that any individual who is found eligible for institutional care must also be given the option to receive the same necessary services and supports at home, or in a setting of their choosing, that would have otherwise been provided in an institutional setting. This is another support for people that wish to reside in the community.

## **Statewide Transition Plan for Compliance with Home and Community-Based Setting Rule**

A copy of the DDDS sections of the Statewide Transition Plan (including the DDDS Work Plan with start and end dates for specified milestones) required as part of the CMS Home and Community-Based Setting Rule, dated September 17, 2015, was provided to GAC. The GAC plays a significant role in overseeing DDDS's work under the Transition Plan. The most current version of the complete Transition Plan is available on the DMMA website.

The Transition Plan has not received CMS approval. The next version (DDDS currently working on) is targeted to be published on February 1, 2016 and submitted to CMS by the end of March 2016. CMS

has indicated that, after it is satisfied that Delaware has made the necessary changes to the Plan based on a November 2015 call with CMS, it intends to approve the Plan. The DDDS is unaware of any state transition plans that received approval from CMS to date.

The consumer surveys are in the process of being completed. If the waiver member has a guardian, they will be asked to complete the surveys. For individuals who do not have a guardian, the DDDS case managers or other DDDS staffers will assist the individuals to complete the survey. DDDS had initially indicated in the Transition Plan it would use the National Core Indicator survey results to get consumer feedback, but we later learned that that data cannot currently be drilled down to the level of individuals and settings and it is also not collected on a timely enough basis for this initial process. NCI data will still be a valuable source of data to assess the overall health of the “system” going forward.

### **Office of Applicant Services – Eligibility Report FY 2016**

The GAC received the Office of Applicant Services – Eligibility Report for FY 2016 that was discussed. The determined eligible number fluctuates and typically rises in the fall when the school year begins. The largest eligible age group is the 13-22 age brackets, which is predictable. The 12 year old and under brackets number include “presumptive eligible” applicants as well. The amount of respite DDDS provides is rising.

### **Supporting Individuals & Families Systems Project (FISP)**

The GAC received an excerpt from the National Association of State Directors of Developmental Disabilities Services 2015 Supporting Individuals and Families Systems Project (FISP) that provides national data to include states near Delaware. The data reports a significant shift away from institutional services to people living in communities with a predominance of people living home with family member.

### **2015 Jane Gallivan’s Retirement**

Jane Gallivan retirement is effective close of business tomorrow. The GAC showed their appreciation to Ms. Gallivan for her commitment to supporting individuals served by DDDS in Delaware.

### **Adjournment**

The meeting adjourned at 1:15 p.m.